

VOLUME 6
ISSUE 2
FALL 1997



IPC PERSPECTIVES

INFORMATION AND PRIVACY COMMISSIONER / ONTARIO

ANN CAVOUKIAN, Ph.D. COMMISSIONER

A Message From the Commissioner

"ON A TYPICAL DAY, I TRY TO HELP ORGANIZATIONS understand what people are looking for with respect to access to information and protection of privacy," says Ann Cavoukian, Ontario's Information and Privacy Commissioner.

Today's competitive environment and government cutbacks see organizations putting a much stronger emphasis on customer service than ever before. Adding a further dimension, recent polls conducted by companies such as Equifax indicate consumers are growing increasingly concerned about the use of their personal information, hence the demand for Cavoukian's input and advice.

"We are experiencing an upsurge of privacy awareness in both public and private sector organizations," stated Ann Cavoukian.

"Organizations are responding to consumers' demand that privacy protection become a priority on their agendas."

Papers recently released by Cavoukian are designed specifically to help organizations address the privacy concerns being raised by consumers and organizations.

For example, *Identity Theft: Who's Using Your Name?* Identifies a number of privacy enhancing technologies, including data encryption and anonymous payment mechanisms, which organizations can offer to their customers, in an effort to help curb the proliferation of ID theft.

Moving Information: Privacy & Security Guidelines: To help organizations who are in the midst of moving their offices to new locations, this paper is designed to help organizations pack, move, and unpack files

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Ann Cavoukian delivers the opening remarks on September 12 at the annual access and privacy workshop held at Queen's Park.

The Changing Face of *Perspectives*

In the Fall 1996 edition of *Perspectives*, we asked you, the reader, to respond to a survey designed to tell us about your preferences for future issues. We would like to again thank each of you who took the time to respond and for providing us with many informative comments and helpful information.

This edition reflects those changes and we hope that you will enjoy many of the new features of each issue. We have brought back the photographs that you told us you enjoyed seeing, and we have created new features such as "The IPC Web site: What's New?"

Providing information to you in a way that meets your needs is important to us at

the IPC. We will continue to mail *Perspectives* to you, but we also provide it to you on our Web site. We are committed to exploring the capabilities offered by new technologies and we feel that providing it to you on the Internet appeals to those who indicated that they prefer an electronic version. But by also continuing to mail copies to those who prefer receiving it in hard copy form, we feel that this meets the needs of those who do not have access to Internet services at this time.

We will continue to look for the best ways of providing information to you and encourage you to continue to provide us with ideas and topics that you find timely and informative. We hope that you enjoy future issues of *Perspectives*.

A Message From the Commissioner

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in a fashion that will not result in unauthorized access to company records.

Model Access and Privacy Agreement: Contains a model agreement that can be inserted into a contract between a government organization and a private sector service provider. The agreement helps to ensure that the new service provider continues to provide consumers with protection of their personal information, thereby protecting their privacy, while also continuing to provide access to general records.

Finally, *Smart, Optical and Other Advanced Cards: How to Do a Privacy Assessment* is a joint paper between the Advanced Card Technology Association of Canada and the Information and Privacy Commissioner/Ontario. It is designed to help developers and marketers of applications using smart card technologies to understand and implement, in a practical way, the principles of privacy protection.

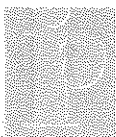
Two papers currently being worked on are:

A paper on data mining, which will offer consumers and organizations suggestions on how this technology can best be handled so as to minimize privacy intrusion.

Finally, a joint paper with the Ontario Transportation Capital Corporation will highlight the success that has been achieved in having Highway 407 utilize an anonymous account mechanism which protects the privacy of its motorists.

Ann Cavoukian hopes these papers assist organizations and consumers alike. She welcomes your comments.

Also, the following new *Practices* were issued: *You and Your Personal Information at the Ministry of Transportation*, *Q&As for Managing Electronic Mail Systems*, *Geographic Information Systems and Privacy*, *Geographic Information Systems and Access*, *Appeals Involving Third Party Commercial, Financial and Related Information*, *Reconsideration of Decisions*, *Safe and Secure Disposal Procedure for Municipal Institutions*.



Tools we use daily: are they private?

WITH THE INCREASED USE OF TECHNOLOGY IN our workplace today, individuals are using electronic mail, facsimile and voice mail more frequently in order to communicate.

When an organization first implements electronic mail, facsimile or voice mail, the usual practice is to implement security policies and train staff. However as staff leave, internal processes change or new technologies are procured, it is essential that these policies are revisited to ensure that they continue to be applicable, understood, and followed by staff. To assist organizations with this annual review, we have identified some significant practices you should check for.

Electronic Mail

E-mail has many advantages and can eliminate "telephone tag," but it must be used carefully. As one security expert noted, e-mail has "the security level of a postcard." Policies should encourage users to:

- double-check to ensure the correct address has been entered;
- ensure that the information being transferred is not of a confidential nature unless a security system is in place;
- ensure e-mail addresses are current at all times. As staff leave or change job func-

tions, their access to e-mail should either be removed or updated to ensure there is not unauthorized access.

Facsimile Transmission

Fax use is a convenient and efficient method of transmitting information. Policies should ensure that:

- only authorized personnel send faxes;
- the number of the receiver is double-checked and the confirmation slip confirms the number;
- only the intended recipient takes custody of the fax.

Voice mail

Voice mail assists organizations to facilitate communication and improve customer service. Policies should ensure that:

- voice mail users do not use their phone numbers or extensions as passwords;
- passwords are kept secret and are not written down;
- as staff leave the organization or change locations, their voice mail connections are updated in a timely manner to prevent unauthorized access.

Q & A

Q & A is a regular column featuring topical questions directed to the IPC.

Q: How do I know the personal information I give to my bank is being safeguarded?

A: Although banks are not covered by the Acts, the Canadian Bankers Association's Privacy Model Code provides guidelines to member banks to consider when drafting their own privacy guidelines. Contact your

bank for more information about their policies and, in the case of a complaint, speak with your bank's ombudsman to explain your concerns. If you are not satisfied, contact the Canadian Banking Ombudsman to make an appeal for an independent review of the bank's policies. They can be reached by calling (416) 287-2877 or 1-888-451-4519.

A Shifting Landscape: Facing the Challenge of Constant Change

"IT'S EASY TO SEE THAT WE ARE ALL BEING FACED with many challenges as we continue to work in a rapidly changing landscape. Our roles must be carried out in an environment of continuous change and growth," said Ann Cavoukian, Information and Privacy Commissioner, at the annual access and privacy workshop hosted by Management Board Secretariat on September 11 and 12.

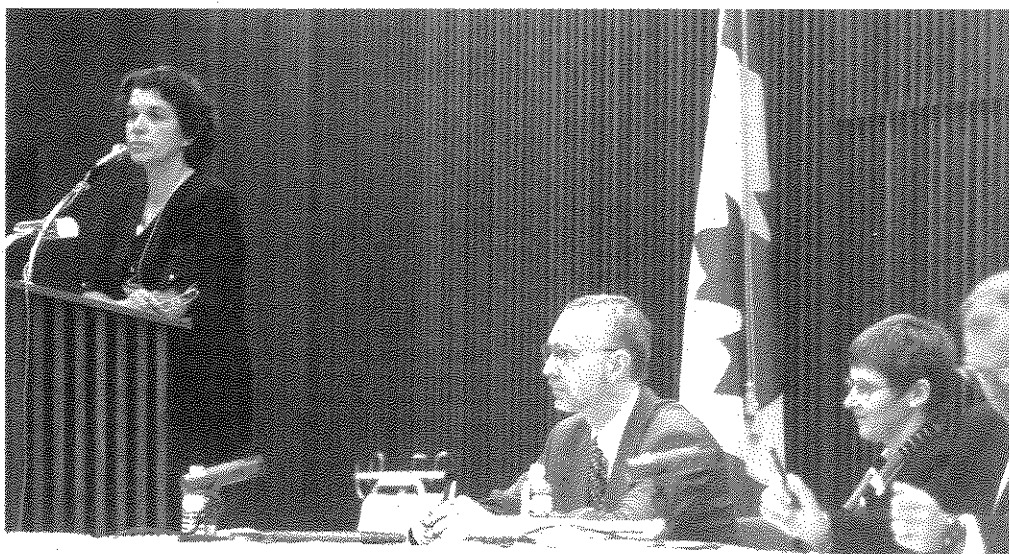
The workshop, titled "Access and Privacy: The New Way of Doing Business" attracted over 300 participants who joined together to share ideas, trends, and to examine the challenges to be faced in access and privacy in the future.

Ann Cavoukian took the opportunity to praise co-ordinators on the work carried out in all areas over the past year and touched on some of the challenges that lie ahead. For example, she noted:

"With the external world constantly changing, so must come internal changes — changes in how we view things... what will be needed in many areas will be a paradigm shift, not just a slight adjustment. And the increasing use of technology is, in fact, one of the greatest changes we face today."

This year's conference featured a number of speakers and facilitators on a wide range of topics that appealed to all who attended. With staff at all levels of government working in this new environment, the importance of meeting the resulting challenges was the focus of many of the workshops. Topics covered included how to build access and privacy into the electronic process, alternative service delivery challenges, discussions on data matching and data warehousing, and various special sessions designed to deal with particular concerns. Round table ses-

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Janet Faas, Ross Hodgins, Beverly Wise and Stuart Roxborough (left to right) discuss the challenges of alternative service delivery at the annual access and privacy workshop held at Queen's Park on September 11 and 12.

Privacy and Media Publicity

THE PRIVACY OF INDIVIDUALS IN RELATION TO media publicity has been a recurring, well-documented issue for the last hundred years. In a highly acclaimed, seminal article written for the Harvard Law Review in 1890, Samuel D. Warren and Louis D. Brandeis stated: "The press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the resource of the idle and of the vicious, but has become a trade, which is pursued with industry as well as effrontery. To satisfy a prurient taste the details of sexual relations are spread broadcast in the columns of the daily papers." Concerns about the invasive, relentless reporting style once described as 'yellow journalism' appear to have surfaced again in the circumstances surrounding the recent death of Princess Diana. The public's reaction to this type of reporting and its lack of concern for individuals' privacy has created a movement around the world for governments to re-examine privacy laws and codes of practices to deal directly with the issue of privacy and the media.

Although few countries include an explicit right to privacy in their constitutions, the Canadian Charter of Rights does provide for certain privacy protections. However, more recently, the federal Standing Committee on Human Rights and Disabilities proposed the adoption of a Canadian Charter of Privacy Rights. Principles recognized by the committee include, among others, 'physical privacy,' 'freedom from surveillance,' and 'privacy of personal space,' and could well encompass, by inference, the issue of the media and privacy. The committee has recommended that the Charter be in place by January 1, 2000. Another step in this direction may come in the form of private sector privacy legislation which the federal government has promised to introduce by the year 2000.

Here in Ontario, we have written to the federal Justice Minister and to the provincial inter-governmental officials involved to advocate the adoption of this Privacy Charter. We hope that such a Charter will assist in restoring the balance between an individual's right to privacy and the free flow of information.

A Shifting Landscape: Facing the Challenge of Constant Change

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sions gave attendees an opportunity for staff working in similar institutions to meet informally and discuss issues of mutual concern.

Conference attendees praised the conference and indicated that the annual event offers an excellent opportunity to meet colleagues, exchange ideas and share trends and issues. Whether new to the information and privacy field or experienced, attendees found something of interest to address their own particular challenges and felt that the topics were both timely and appropriate.

Commissioner Ann Cavoukian advised participants, "As information and privacy co-ordinators, you have the expertise that is invaluable to your organization to assist those around you to understand the changes that can result from new technologies." She encouraged co-ordinators to become involved to ensure that access and privacy are built in right at the beginning rather than as costly add-ons after the fact.

A copy of Dr. Cavoukian's speech can be found on the IPC Web site at <http://www.ipc.on.ca>.

The IPC Web site: What's New?

IF YOU HAVEN'T VISITED THE IPC WEB SITE, WE would like to encourage you to do so — we have provided this Web site to augment the IPC's traditional forms of communication. Useful to both the casual browser as well as the seasoned researcher, the site has just about everything you might want to know about access and privacy. The IPC considers the Internet, and its own Web site, an opportunity to enhance the public's access to information.

We are pleased to provide you with an easy-to-use map of our site that clearly identifies where all items on the site are located. The Web site can be accessed at <http://www.ipc.on.ca>.

We always ensure that we provide the most recent orders and investigations which

are available online and, in addition, it features recent speeches given by the Commissioner as they become available and all of our new policy publications. Also provided are both full text and plain language guides to the *Municipal Freedom of Information and Protection of Privacy Act* and the *Freedom of Information and Protection of Privacy Act*. Also included are linkages to other access and privacy sites on the Internet.

Finally, if you would prefer to receive your copy of the IPC Annual Report or *Perspectives* online, we have the most recent edition on our Web site.

Should you have any comments regarding our Web site, please call the Communications Branch at (416)326-3333 or 1-800-387-0073 or e-mail us at eratgone@ipc.on.ca.

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PERSPECTIVES

is published by the Office of the Information and Privacy Commissioner.

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Cette publication, intitulée «Perspectives», est également disponible en français.



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ISSN 1188-2999